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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,409	03/02/2004	Eugen Cretu-Petra	Eugen Cretu-Petra	2555
7590	09/14/2005			
Eugen Cretu-Petra Suite 2 18547 Innsbrook Dr. Northville, MI 48167			EXAMINER NGUYEN, HUNG T	
			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

X

Office Action Summary	Application No. 10/791,409	Applicant(s) CRETU-PETRA, EUGEN	
	Examiner HUNG T. NGUYEN	Art Unit 2636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 9, "temperature." will be changed to -- temperature;--;

In claim 1, line 10, "And to produce an electrical output in response to such" will be changed to --produces an output signal in response to the-- before "detection,";

Claim 1 recites the limitation "the back" in line 17. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the exterior" in line 18. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the presence" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 3, is independent claim which recites the limitation "said diaper" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 3, line 2, after "conditions" insert --.--;

Claim 4, is independent claim which recites the limitation "said apparatuses" in line 3.

There is insufficient antecedent basis for this limitation in the claim.

3. Finally, applicant should read through the IDS / Information Disclosure Statement or cited references in order to understand how to write the claims in better forms.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Kwarizadeh et al. (U.S. 5,903,222).

Regarding claim 3, Kwarizadeh discloses a pager (90) is worn by a care giver / attendant from remotely location may receive (80) a presence of wetness condition (20,60) from patient's garment (19) by wireless signal [fig.16, col.3, line 66 to col.4, line 16, col.13, lines 9-26 and col.14, lines 31-45 and abstract].

Art Unit: 2636

Regarding claim 4, Kawarizadeh discloses a system for remotely monitoring a diaper condition as wetness [fig.16, col.3, line 66 to col.4, line 16, col.5, lines 61 67, col.13, lines 9-26 and col.14, lines 31-45 and abstract] comprising:

- a plurality of wetness sensor (20,60) which can be attached to plurality of patient's garments (19) [figs.4,16, col.5, lines 61 67 and col.14, lines 31-45];
- each of sensor having an radio frequency identification signal for transmitting coding signal to the remote receiver (80) [fig.16, col.3, line 66 to col.4, line 16, and col.14, lines 31-45 and abstract];
- an personnel may receive an output signal from the patient wetness conditions on display device (84) or printer (86) [fig.16, col.13, lines 9-26];
- a pager (90) is worn by a care giver / attendant from remotely location may receive (80) a presence of wetness condition (20,60) from patients by wireless signal [fig.16, col.3, line 66 to col.4, line 16, col.13, lines 9-26 and col.14, lines 31-45 and abstract].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roe et al. (U.S. 6,570,053).

Art Unit: 2636

Regarding claim 1, Roe discloses an apparatus for use in a diaper (20) to detect (60) urine and feces or bodily waste from wearers [figs.1,6, col.10, lines 1-37, col.11, lines 11-37, col.12, lines 21-36 and col.17, lines 24-45] comprising:

- a plurality of sensors (60) are attached (40) or secured to a diaper (20) for detecting the presence of urine and feces for the wearer at all time [figs.1,6, col.5, lines 1-6, col.10, lines 1-37, col.11, lines 11-37 and col.17, lines 24-45];
- the diaper having motion & temperature [col.10, lines 1-37];
- the sensors (60) coupled to a controller (80) for detecting the presence of urine and feces for the wearer at all time and transmitting output signal as audible / visual signal to the remote location by wireless signal [figs.1,6, col.11, lines 48-65, col.12, lines 6-20, col.16, lines 34-55 and col.17, lines 29-45];
- a housing for holding electronic components as the sensors (60), the controller (80) and etc. is cited in figs. 1-2,6, col.11, line 48 to col.12, line 19].
- conductive sensor are used for sensing the presence of urine and feces for the wearer at all time [figs.1,6, col.10, line 35 to col.11, line 10 and col.11, lines 55-65].

The reference of Roe does not specifically mention fullness level of urine and feces in the diaper and retractable claws pairs for attaching to the diaper as claimed by the applicant.

However, the reference of Roe does show that the controller (80) coupled to sensors (60) for monitoring the threshold level of urine and feces in the diaper which are stored / inputted / programmed in the memory device as desired by a caretaker, also Roe teaches the attachment / fastening (40) the diaper can be used in any form or that

Art Unit: 2636

is an well know in the prior art [col.5, lines 1-6, col.8, lines 17-24, col.10, lines 1-17, col.12, lines 6-49, and col.16, lines 1-56].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the system of Roe for monitoring any condition of urine and feces or other signals in the diaper from plurality of wears / patients at all time which can be programmed any desired input signal by nurse or caretaker.

Regarding claim 2, Roe discloses the sensors (60) coupled to the controller (80) for detecting the presence of urine and feces for the wearer at all time and transmitting output signal as audible / visual signal to the remote location by wireless signal [figs.1,6, col.11, lines 48-65, col.12, lines 6-20, col.16, lines 34-55 and col.17, lines 29-45].

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

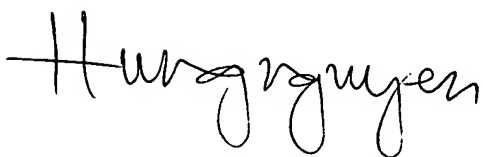
- Davallou (U.S. 5,709,222) Body waste detection and alarm system.
- Friedman et al. (U.S. 6,774,800) Patient incontinence monitoring apparatus and method of use thereof.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

**HUNG NGUYEN
PRIMARY EXAMINER**

A handwritten signature in cursive script that reads "Hung Nguyen".

Examiner: Hung T. Nguyen

Date: Sept. 12, 2005